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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,318	02/12/2004	Bruce Schofield	16420BAUS01U	5590

34645	7590	10/06/2008
Anderson Gorecki & Manaras, LLP		
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CARLISLE, MA 01741		

EXAMINER
PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
10/06/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Pre-Interview Communication</b> (For use in the First Action Interview Pilot Program)	Application No.	Applicant(s)	
	10/777,318	SCHOFIELD ET AL.	
	Examiner	Art Unit	Page 1 of
	CHIRAG R. PATEL	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

To avoid abandonment of the application, applicant must, within this time period for reply, file:

- (1) A letter requesting not to have a first-action interview, or
- (2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

#### Disposition of Claims

- 3) ☒ Claim(s) 1-13 is/are pending in the application.  
 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 5) ☒ Claim(s) 1-13 is/are rejected.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-7966  
 Examiner's Typical Work Schedule: 7:30AM - 4PM  
 Supervisor's Name: Rupal Dharia  
 Supervisor's Telephone Number: (571) 272-3880

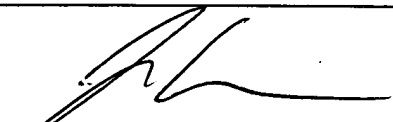
#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 11/18/04
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

<b>Pre-Interview Communication</b> (For use in the First Action Interview Pilot Program)	<b>Application No.</b> 10777318	<b>Applicant(s)</b> SCHOFIELD ET AL.	
	<b>Examiner</b> CHIRAG R. PATEL	<b>Art Unit</b> 2141	Page 2 of

Notification of Rejection(s) and/or Objection(s)				
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
	1, 12	A, B	103(a)	Claim 1: A: [0042]; monitoring activity at network facility points [0057]; monitoring performance of carriers [0063];determine status, see expanded discussion
	2-11, and 13	A	103(a)	2. [ 0504], 3. [0745], 4. [0507], 5. ([0562], 6-7. [0785], 8 and 13. [085], 9-10. [0130], 11. [0294]

Expanded Discussion/Commentary		
		Claims 1, 12: A fails to disclose medical images on a network. B discloses per abstract, transmitting, storing, retransmitting and receiving a plurality of electronic medical images, diagnostic readings for downtime. KSR -> both A and B same field of endeavor see Col 8 lines 38-40, to substitute monitoring and determining status of medical images for performance of carriers.

DATE: 9/25/08		
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